


1 REX CHAPPELL B-42679  
2 2779 XAVIER STREET  
3 E. PALO ALTO, CA. 94303.  
4 IN PRO SE

**FILED**

MAY 12 2016

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA

8 REX CHAPPELL,  
9 PLAINTIFF,

10 -VS-

11 C.K. PLILER, et AL.  
12 DEFENDANTS

CASE NO. 2:04-CV-1183-TLN-DAD  
PLAINTIFF'S OPPOSITION  
TO DEFENDANTS STATEMENT  
OF UNDISPUTED FACTS.

13 IN DISPUTE OF PAGE (2), # (9) OF DEFENDANTS'  
14 UNDISPUTED STATEMENT OF FACTS. DEFENDANTS ARE EXA-  
15 GGERATING THE VIOLENCE THAT OCCURED AFTER  
16 JANUARY 4, 2002 .... IN FACT THE AMOUNT OF VIO-  
17 LENCE THAT OCCURRED FROM 1/4/02 TO 8/24/03  
18 WAS MINIMAL IN COMPARISON TO THE NORM  
19 OF THING'S. (AND THAT IS EASILY PROVEN  
20 THROUGH DEFENDANTS OWN RECORD'S STORED  
21 IN THEIR DATA BASE PROCESSING SYSTEM.....  
22

23 IN DISPUTE OF PAGE (3) # (14), THERE  
24 WERE BLACK AND WHITE INMATE'S RELEASED  
25 TO WORK THE VERY NEXT MORNING (FOR REA-  
26 SON'S THAT CSP-SACRAMENTO SPOKESMAN BILLY  
27 MAYFIELD STATED ON LOCAL NEWS), "IT WAS  
28 ISOLATED TO A SOUTHERN MEXICAN GANG," THE



INMATES WHO COMMITTED THE ASSAULT ON STAFF<sup>4</sup>  
IN DISPUTE OF PAGE(3) # (17);

DEFENDANTS KNOW FULL WELL THERE WAS NO  
PAGING SYSTEM AVAILABLE FOR MONTH'S, EXC-  
EPT FOR THOSE 'BLACK'S AND WHITE INMATES  
BEING LET OUT OF THEIR CELL'S TO WORK. THESE  
SAME CHOSEN FEW INMATE'S WERE BEING  
AFFORDED, HOT meal's (WHERE ALL OTHER  
BLACK AND WHITE'S WHO WERE ALSO KNOWN  
TO HAVE NOTHING TO DO WITH ASSAULT ON  
STAFF), WERE BEING DENIED, THEY WERE  
ALLOWED THEIR QUARTERLY PACKAGES FROM  
HOME, CANTEEN FOOD item's, WHILE THE  
REMAINING BLACK & WHITE INMATE POPUL-  
ATION WERE BEING DENIED QUARTERLY PACKAGES  
"AND WERE DENIED FOOD item's," AND COULD  
ONLY PURCHASE SOAP, TOOTHPASTE, SHAMPOO  
DEODERANT AND STATIONARY item's), THESE  
SAME BLACK AND WHITE INMATE'S WERE  
ALLOWED VISITATION, PHONE & YARD PRIVIL-  
EGES, "WHILE THE REMAINING BLACK & WHITE  
INMATE'S WERE DENIED THESE PRIVILEGES",

THESE ACTION'S BY DEFENDANTS, VIOLATED  
NOT ONLY THEIR OWN RULE'S, REGULATION'S AND  
POLICIES, BUT ALSO PLAINTIFF'S AND EVERY  
BLACK & WHITE INMATES' FOURTEENTH AMENDMENT  
U.S. CONSTITUTIONALLY PROTECTED RIGHT, (EQUAL  
PROTECTION) & CDCR'S (C.C.R./TITLE 15 SECTION

3022. DEFENDANTS ALSO ALLOW THOSE CHOSEN  
 Black & White INMATE'S TOBACCO PRODUCTS,  
 AND DENIED THE REMAINING Black & White  
 (AND REMAINING PRISON POPULATION THOSE  
 PRODUCTS). WHICH WAS NOT ONLY AN EQUAL  
 PROTECTION VIOLATION, IT SUBJECTED PLAINTIFF  
 TO CRUEL AND UNUSUAL PUNISHMENT. THE  
 PLAINTIFF TALKED TO DEFENDANTS VANCE AND  
GOUGHNOUR, IN THE PRESENCE OF APPROXIMATELY  
 (4) INMATE'S IN THE B-FACILITY SALLY-PORT  
 WHO WERE WAITING TO SEE A DOCTOR, WAY ~~ALL~~  
 Black & White INMATE'S ALL LOCKED DOWN  
 AND BEING DENIED ALL PRIVILEGES AND ARE  
 EATING (2) COLD BAG LUNCHES A DAY.

VANCE & GOUGHNOUR'S RESPONSE WAS IF  
 WE PUNISH ALL OF YOU, "YOU GUY'S WILL  
 DO SOMETHING TO THOSE GUY'S THAT ASSAULTED  
 OUR STAFF."

DEFENDANTS SIMPLY ARE DISILLUSIONED  
 BECAUSE THEY SEEM TO THINK THERE'S SOMETHING  
 LEGAL ABOUT DENYING ATTORNEY VISITS,  
 PLAINTIFF WAS GOING TO COURT FACING 25 YRS.  
 TO LIFE..... DEFENDANTS UNNECESSARILY DENIED  
 ME MEANINGFUL ACCESS TO COURT'S, ALSO  
 MY 6th. AMENDMENT RIGHTS.

IN DISPUTE OF PAGE (5) # (32). DOES  
 NOT MATTER WHAT HAPPENED APRIL 3, 2002 PLAINTIFF  
 AND NO OTHER Black OR White WAS GIVEN YARD.



DEFENDANTS SIMPLY DID THAT ON PAPER TO COVER THEIR BUTTS... AS WITNESSES HAS AND WILL TESTIFY TO AGAIN.

IN DISPUTE OF PAGE (5) # (33)  
 WHAT EXACTLY IS THAT NONSENSE SUPPOSE TO MEAN, "THERE IS TENSION ON ANY YARD EVERYDAY, (365) DAYS A YEAR," AND IF YOU LOCK DOWN A YARD FOR THAT, NOTHING WOULD EVER GET DONE. (IN THIS INSTANCE CASE THESE DEFENDANTS TARGETED BLACK CRIP'S BECAUSE OF THEIR GRIEVANCE'S)... "NOT TENSION" THAT WAS DEFENDANTS, VANCE, ROSARIO & GOUGHINOUR IMPLEMENTING THEIR PLAN, TARGET THE LARGEST BLACK GANG ON THE YARD, SO THEY WOULD ATTACK THE HISPANIC'S WHO ATTACKED THEIR STAFF.

IN DISPUTE OF PAGE (5) # (34)  
 THE PROGRAM WAS NEVER NORMAL AS DEFENDANTS CLAIM EXCEPT FOR THE FRAUDULENT PAPER WORK THEY GENERATED. AS PLAINTIFF'S WITNESSES WILL TESTIFY.

IN DISPUTE OF PAGE (5) # (35)  
 WHAT DOES A STABBING ASSAULT INVOLVING WHITE INMATES HAVE TO DO WITH BLACK CRIPS, CANTEEN OR YARD.... DEFENDANTS STRATEGICALLY TRIED TO CREATE A SITUATION BETWEEN RACES....

IN DISPUTE OF PAGE (6) # (36)  
 PROGRAM WAS NEVER RETURNED TO NORMAL PLAINTIFF WAS IN HIS CELL FROM JAN. 2002 UNTIL AUG. 2002

1 AS WAS THE MAJORITY OF INMATES (EXCEPT  
 2 FOR THOSE MEXICAN'S WHO DEFENDANTS CLAIM  
 3 STABBED THEIR OFFICER'S), DEFENDANTS PUT THEM  
 4 IN THE AD/SEG. (ADMINISTRATIVE SEGREGATION) AND  
 5 AND GAVE THEM YARD, SHOWER'S, CANTEEN & VISIT'S  
 6 AS WELL AS QUARTERLY PACKAGES). WHILE BLACKS  
 7 AND WHITE'S, "WHO DID NOTHING" SUFFERED."

8 IN DISPUTE OF PAGE (6) # (38),  
 9 DEFENDANTS HAVE THE AUDACITY TO THINK THE  
 10 STUFF DEFENDANT ROSARIO DID, WAS OKAY.  
 11 THIS IS A VIOLATION OF THE 8TH & 14TH  
 12 AMENDMENTS, (PLAINTIFF LAY IN HIS CELL,  
 13 DETERIORATING MENTALLY & PHYSICALLY) AND  
 14 (PLAINTIFF WAS BEING PUNISHED BY THIS  
 15 DEFENDANT BEFORE HE'D DONE ANYTHING)  
 16 "AND THERE WAS NO EVIDENCE HE WOULD".

17 IN DISPUTE OF PAGE (6) # (39),  
 18 AGAIN, THIS WAS ONLY ON PAPER AS WITNESSES  
 19 WILL TESTIFY. WE NEVER GOT OUT OF OUR CELL'S  
 20 UNLESS IT WAS TO SEE THE DOCTOR.

21 IN DISPUTE OF PAGE (7) # (46)  
 22 PLAINTIFF WAS RETALIATED AGAINST. HE WAS  
 23 TRANSFERRED BECAUSE OF HIS LITIGATION AGAINST  
 24 DEFENDANTS FOR THESE ILLEGAL ACTS, PLAINTIFF  
 25 WASN'T TAKEN BEFORE A COMMITTEE (WHICH IS  
 26 THE ONLY WAY YOU CAN BE PUT UP FOR TRANS-  
 27 FER). PLAINTIFF WENT IN A ROOM WITH DEFENDANT  
 28 VANCE (CAPTAIN) AT THE TIME, AND WAS ASKED

1 WHERE YOU WANT TO GO. PICK SOMEWHERE  
2 BECAUSE YOU ARE LEAVING HERE BECAUSE  
3 YOU ARE FILING TOO MUCH PAPER WORK.  
4 AND YOU GOT NORWOOD AND OTHER PEOPLE  
5 FILING IT TOO. "I DIDN'T KNOW WHO  
6 NORWOOD WAS WHEN HE'D SAID IT," BECAUSE  
7 PRISONER'S DON'T KNOW ONE ANOTHER BY THEIR  
8 LAST NAME, "WE KNOW NICKNAME'S OR THE  
9 FIRST NAME'S". THEY TRANSFERED ME THE NEXT DAY.

10 I declare under PENALTY OF  
11 PERJURY THE FOREGOING IS TRUE & CORRECT.  
12 MAY 5, 2016

13 

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15 IN PRO SE  
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PROOF OF SERVICE

11  
12 I HEREBY CERTIFY THAT ON 5/7/2016, I  
13 SERVED A COPY OF RESPONSE TO COURT'S  
14 APRIL 20, 2016 ORDER by placing a copy in  
15 a postage paid envelope addressed to the person  
16 listed, by depositing said envelope in the UNITED  
17 STATES MAIL AT THE EAST PALO ALTO POST OFFICE

18 Kelli M. Hammond  
19 DEPUTY ATTORNEY GENERAL  
20 1300 "J" STREET, SUIT 125  
21 SACRAMENTO, Ca. 94244-2550

22 I declare under PENALTY OF PERJURY THE  
23 FOREGOING IS TRUE AND CORRECT

24 MAY 5, 2016

25  
26 

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